

## REMARKS

### STATUS OF THE CLAIMS

In accordance with the foregoing, claims 1, 6, 11, 15 and 20 have been amended. Claims 5 and 14 have been cancelled. Claims 1-4, 6-13, 15-20 and 22-24 are pending and under consideration.

No new matter is being presented, and approval and entry of the amended claims are respectfully requested.

### REASONS FOR ENTRY

Applicant request entry of this Rule 116 Response and Request for Reconsideration because the amendments to independent claims 1, 11 and 20 are merely in incorporate the features of dependent claims 5 and 14. Thus, no new features are being added, and no new issues are being raised. As a result, the claim amendments do not entail any further search by the Examiner.

### REJECTIONS OF CLAIMS 1-20 AND 22-24 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER REILLY ET AL. (U.S. 2002/0026349) IN VIEW OF THEIMER ET AL. (U.S. PATENT NO. 5,493,692)

Claims 5 and 14 are cancelled herein; however, the features thereof are incorporated into independent claims 1, 11 and 20. The rejections of claims 1-4, 6-13, 15-20 and 22-24 are respectfully traversed and reconsideration is requested.

Regarding the features of claims 5 and 14 (now incorporated into the independent claims), the Examiner states that Reilly et al. (hereinafter "Reilly") discloses an image information generating part adding screen definition information of a rank setting screen allowing a receiver to input the distribution rank by selection, or access information to the rank setting screen to each distribution information; and a distribution rank updating part updating contents stored in the distribution rank storage part, based on a selection result which a receiver inputs by selection on the rank setting screen, citing the Abstract and paragraphs [0017], [0035], [0051]-[0052], [0055], [0066], [0070] and [0071].

However, the portions cited by the Examiner merely disclose that the summarization and notification of information are performed based on the subscriber's preference inputted at some timing and a predetermined standard. The cited portions of Reilly fail to teach or suggest the features of claims 5 and 14, described above.

The present invention, as currently recited in amended independent claims 1, 11 and 20, is characterized by a user allowing the contents of advertising mail, or the like, that is distributed

periodically and contains a large amount of information to be summarized and distributed in accordance with a degree of interest, and the like, by designating a distribution rank. Furthermore, a distribution rank can be designated by a simple operation on a rank setting screen displayed by the display of the user terminal, for example, and alteration of a once-designated rank is simplified (for support, see page 24, lines 21-28, of the present specification).

Furthermore, the Examiner acknowledges that Reilly fails to teach or suggest selecting the distribution rank in advance by the receiver before receiving distribution information from the sender. However, Theimer et al. (hereinafter "Theimer") is cited as disclosing this feature. Specifically, in the Response to Arguments, on page 8, item 4, of the Action, the Examiner states that Theimer discloses that contextual attributes of the user are determined, including display devices that are closest to the user, delivery times, notifications, etc. Thus, the Examiner concludes, by allowing the user to create a profile by which all incoming messages would be judged, Theimer discloses selecting a distribution rank by the user before receiving distribution information from the sender.

However, Applicant respectfully disagrees with the Examiner's interpretation of Theimer. Theimer describes a method for delivering electronic messages to an identified user, where multiple display devices, and multiple users, are available. The system of Theimer perceives contextual attributes of a recipient user, including display devices in close proximity to the user, and determines a display property for the message. (Abstract).

According to the portions of Theimer cited by the Examiner (column 4, lines 33-43), an electronic message, intended for an identified user, is obtained. Then, a level of privacy and a level of priority are determined. The profile properties for the identified user are obtained, including display devices in close proximity to the user.

Thus, the system of Theimer does not teach or suggest selecting a distribution rank in advance by the receiver, before receiving distribution information from the sender, as recited in independent claims 1, 11 and 20. In fact, in Theimer, the receiver merely provides a user profile, but does not select a *distribution rank* at all.

Moreover, the present invention, as recited in independent claims 1, 11 and 20, is characterized in that the receiver selects a distribution rank, with respect to distribution information from the sender, selected in advance by the receiver, before receiving distribution information from the sender. That is, the distribution rank is specifically chosen with respect to the particular distribution information. In contrast, as the Examiner suggests, Theimer merely discloses allowing a user to create a profile by which all incoming messages would be judged. (See page 4, paragraph 1, of the Action).

Therefore, it is respectfully submitted that independent claims 1, 11 and 20, along with

the pending dependent claims, patentably distinguish over the cited references, alone or in combination.

## CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. Further, all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: October 18, 2006

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